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PATENT

Attorney Docket No. 2831.01US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12/86
49-10

In re Application of:
Magnus Bolmsjö and Sonny Schelin
Serial No. 09/704,223
Filed: November 1, 2000
For: METHOD AND APPARATUS FOR
SELF-DRAINING OF URINE

Group Art Unit: 3763
Confirmation No. 2658
Examiner: R. Ghafoorian

Request for Clarification under 37 CFR 1.191(c) and/or for Reconsideration

This request is made under the provisions of 37 CFR 1.191(c) for a clear statement concerning the PTO's reasons for finding nonpersuasive, the applicant's arguments regarding the patentability of pending claims 13-35, 9 and 10 as presented in the Amendment and Response to First Office Action ("Amendment") filed September 5, 2002.

The final office action of November 20, 2002, from which an appeal was noticed on March 20, 2003, states "Applicant's arguments filed 9-12-02 have been fully considered but they are not persuasive. a. The new claims added still read on U.S. patent No. 5176664 to Weisman as explained above." However, as was discussed during a telephone interview with the Examiner on March 28, 2003, and as that discussion is reiterated below, the September 2002 Amendment described factors which are believed distinguish the pending claims from Weisman. It is possible that those distinguishing factors were overlooked when the final office action was issued on November 20, 2002, or that the explanation of nonpersuasiveness was inadvertently omitted from the final office action. In any event, it is respectfully requested that a clear and adequate explanation of the reasons why the distinguishing factors were found not to be persuasive is requested. Such an explanation will more clearly focus the issues on appeal and allow those issues to be addressed more expeditiously both by the applicant and the PTO.

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The only independent claim now pending is claim 13. With reference to the clean form of claim 13 appearing at page 2 of the September 2002 Amendment, claim 13 recites, among other things, a "first end piece" (line 10) "connected at a first end of the elongated body" (line 10) and a "second end piece" (line 21) "connected at the second end of the body" (line 21). The first and second end pieces are therefore distinguishable from the elongated body (line 5), and are also distinguishable from the first and second "ends" (line 8) of the elongated body. Moreover, the first and second end pieces are connected "across the inner space of the body" (lines 10-11 and lines 21-22). Further still, the first end piece has a "curved exterior end configuration" (lines 11-12) with certain characteristics (lines 12-14), and the second end piece has a "pliability characteristic" (line 22) with described characteristics (lines 23-26). There are other distinctions between the subject matter claimed in claim 13 and the Weisman reference, but the features noted in this paragraph are the primary ones to which this Request is directed.

While the Weisman reference might be considered as disclosing an elongated body which has first and second ends with an open inner space extending between those first and second ends, the ends in Weisman appear open. Accordingly an explanation is respectfully requested as to how Weissman is interpreted to disclose distinguishable first and second end pieces which are also connected "across the inner space of the body" at the first and second ends, as recited in claim 13. Moreover, an explanation is respectfully requested as to how Weissman is interpreted to disclose an end piece that has a curved exterior end configuration, in view of the apparent lack of disclosure of an end piece. A similar explanation is requested with respect to the other end piece that has pliability characteristics. Lastly, even if Weissman is interpreted to disclose end pieces having curved exterior end configurations and pliability characteristics, an explanation is requested as to how Weissman is interpreted as satisfying the specific characteristics of the two end pieces described in lines 12-14 and 23-26.

A more complete explanation of the improved nature of the features of claim 13 for which clarification is requested is described in the September 2002

Amendment, beginning with the last paragraph on page 13 and extending through the last complete paragraph at page 15 and at other locations.

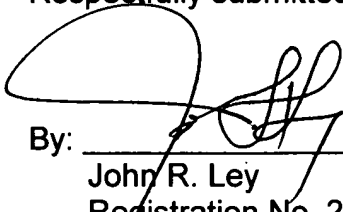
For the reasons noted above, and as highlighted by the discussion in the September 2002 Amendment, it is believed that clarification of the interpretation of Weissman is proper and necessary to clarify the issues to be considered on appeal.

Respectfully submitted,

Date: _____

4/2/03

By: _____


John R. Ley
Registration No. 27,453
ATTORNEY FOR APPLICANT

JOHN R. LEY, LLC
5299 DTC Blvd., Suite 610
Englewood, Colorado 80111-3321
Telephone: (303) 740-9000
Facsimile: (303) 740-9042



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CERTIFICATE OF MAILING BY EXPRESS MAIL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The undersigned hereby certifies that the attached Request for Clarification under 37 CFR 1.191(c) and/or for Reconsideration; Certificate of Transmission; Certificate of Mailing by Express Mail; and Return Card, relating to the above application, were deposited as "Express Mail," Mailing Label No. EV249895795US, with the United States Postal Service, addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 2nd day of April, 2003.

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Date

4/2/03
Date

Maitha Q. Porter

Mailer

John R. Ley
Registration No. 27,453
ATTORNEY FOR APPLICANT

JOHN R. LEY, LLC
5299 DTC Boulevard, Suite 610
Greenwood Village, Colorado 80111-3327
Telephone: (303) 740-9000
Facsimile: (303) 740-9042

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CERTIFICATE OF TRANSMISSION

The undersigned hereby certifies that the foregoing Request for Clarification under 37 CFR 1.191(c) and/or for Reconsideration is being transmitted by facsimile to the United States Patent and Trademark Office, Attention Examiner R. Ghafoorian at facsimile number (703) 746-7763 this 2nd day of April, 2003.

April 2, 2003
Date

Nathalee M. Porter
Nathalee M. Porter
Facsimile Operator

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